

Notice of Allowability

Application No.

10/764,643

Examiner

R. Alexander Smith

Applicant(s)

ROSETTI, ELIZABETH

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a conversation with Ms. Rosetti on March 26, 2005.
2. ☒ The allowed claim(s) is/are 3 and 4.
3. ☒ The drawings filed on 03 January 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.132. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this Examiner's amendment was given in a communication with Ms. Rosetti on March 26, 2005.
3. The application has been amended as follows:

In the claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

Claims 1 and 2 (Canceled)

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3. (New) A right perspective drawing tool for drawing straight lines that radiate from a single point to allow an illustrator, architect, or artist to render a perfect perspective drawing, said tool comprising:

a tape measure including a housing having two side walls, a top wall, a bottom wall, a front wall and a back wall, and a coiled measuring tape enclosed in the housing, said tape having a tip with an end flange that prevents the tip from entering into the housing, said housing including a locking mechanism on the front wall that allows the tape to be extended to the desired length and locked in position, and said tape measure further including a round hole extending through the bottom wall of said housing;

a suction cup having a concave base, a neck, and a domed top wherein said domed top has a larger diameter than a diameter of the neck, wherein said domed top fits through the round hole and secures the suction cup to the tape measure and said neck is sized to accommodate the round hole such that the tape measure can freely swivel 360 degrees around said suction cup, and

said tool being adapted so that downward pressure applied to the suction cup secures the tool over a single point on a flat surface while allowing the tape measure to freely swivel through said 360 degrees with said measuring tape forming a straightedge for drawing straight lines that radiate from the single point.

4. (New) The tool of claim 3 wherein the suction cup further includes cross hairs, said cross hairs being adapted to allow a user to accurately position the concave base over the point on the flat drawing surface.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance of claims 3 and 4.

For independent claim 3, the prior art of record does not disclose or clearly suggest a perspective drawing tool for drawing straight lines comprising a tape measure including a round hole extending through the bottom wall of said housing; a suction cup having a concave base, a neck, and a domed top wherein said domed top fits through the round hole and secures the suction cup to the tape measure and said neck is sized to accommodate the round hole such that the tape measure can freely swivel 360 degrees around said suction cup, with said measuring tape forming a straightedge in combination with the remaining limitations of the claim.

Claim 4 is allowed due to its dependency on allowed claim 3.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record is considered pertinent to Applicant's disclosure. The prior art cited in PTO-892 disclose related drawing tools.

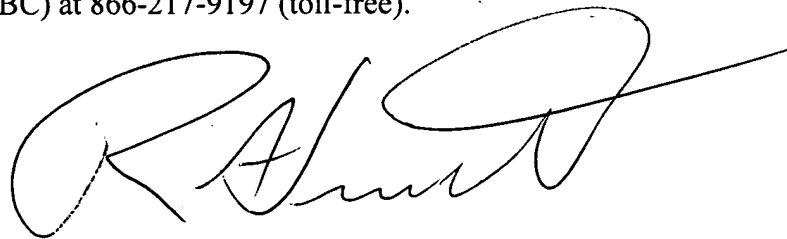
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251.

The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. Alexander Smith', with a large, stylized loop at the end.

R. Alexander Smith
Patent Examiner
Technology Center 2800

RAS
March 29, 2005